

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Moore et al.

Application Serial No.: Unassigned

Art Unit: Unassigned

Filed: Herewith

Examiner: Unassigned

For: **Human FK506 Binding Proteins** Attorney Docket No.: **PF392**

PATENT APPLICATION FEE VALUE

Assistant Commissioner
for Patents
Box PATENT APPLICATION
Washington, D.C. 20231

Sir:

Transmitted herewith for filing under 37 C.F.R. §1.53 is the following patent application:

Applicants: Paul A. Moore
Ying-Fei Wei
Steven M. Ruben

Executed on: Unexecuted
Unexecuted
Unexecuted

Title of Invention: **Human FK506 Binding Proteins**

Including: Specification (54 pgs); 20 Claims (3 pgs); Abstract (1 pg);
Sequence Listing (17 pgs); 4 Figures (10 sheets)

The filing fee the subject application being filed concurrently herewith has been calculated as follows:

| TYPE | NO. FILE | LESS | EXTRA | EXTRA RATE | FEE |
|---|----------|------|-------|--------------|-----------------|
| Total Claims | 20 | -20 | 0 | \$18.00 each | 0.00 |
| Independent | 4 | -3 | 1 | \$78.00 each | \$78.00 |
| Minimum Fee | | | | | \$760.00 |
| Multiple Dependency Fee if applicable (\$260.00) | | | | | |
| Total Filing Fee | | | | | \$838.00 |

This application claims benefit of 35 U.S.C. section 119(e) based on copending U.S. Provisional Application Serial No. 60/070,875 filed January 9, 1998.

Please charge the required fee to Deposit Account No. 08-3425. In addition, the Commissioner is hereby authorized to charge payment for any additional filing fees required under 37 C.F.R. 1.16 or credit any overpayment to Deposit Account No. 08-3425. A duplicate of this paper is attached.

Respectfully submitted,

Date: 1/06/99



A. Anders Brookes (Reg. No. 36,373)
Attorney for Applicants

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9410 Key West Avenue
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(301) 610-5761 (telephone)

Enclosure
AAB/mbp

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| | | | | | |
|--|---|---|---|--------------|--------------|
| UTILITY PATENT APPLICATION TRANSMITTAL <small>(Only for new nonprovisional applications under 37 CFR 1.53(b))</small> | | Attny Docket No. | PF392 | Total Pages: | 87 |
| | | First Named Inventor or Application Identifier Paul A. Moore | | | |
| | | Date | January 6, 1999 | | |
| APPLICATION ELEMENTS <small>See MPEP chapter 600 concerning utility patent application contents.</small> | | | Assistant Commissioner for Patents Address to: Box Patent Application Washington, D.C. 20231 | | |
| 1. <input checked="" type="checkbox"/> Fee Transmittal Form 2. <input checked="" type="checkbox"/> Specification [total pgs. 58 (preferred arrangement set forth below) - Descriptive title of the Invention - Cross References to Related Applications - Statement Regarding Fed Sponsored R&D - Reference to Microfiche Appendix - Background of the Invention - Brief Summary of the Invention - Brief Description of the Drawings (if filed) - Detailed Description - Claim(s) - Abstract of the Disclosure 3. <input checked="" type="checkbox"/> Drawing(s) 4 Total Sheets 10 4. <input checked="" type="checkbox"/> Oath or Declaration Total pages 2 a. <input type="checkbox"/> Newly executed (original or copy) b. <input type="checkbox"/> Copy from a prior application (1.63(d)) (for con/div with Box 17 completed) i. <input type="checkbox"/> Deletion of Inventors (signed statement attached deleting inventor(s) named in prior app.) 5. <input type="checkbox"/> Incorporation by Reference (with Box 4b) The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein. | | | 6. <input type="checkbox"/> Microfiche Computer Program (appendix) 7. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary) a. <input checked="" type="checkbox"/> Computer Readable Copy b. <input checked="" type="checkbox"/> Paper Copy (identical to computer copy) [17pgs] c. <input checked="" type="checkbox"/> Statement verifying identity of above copies | | |
| | | | Accompanying Application Parts 8. <input type="checkbox"/> Assignment Papers (cover and document(s)) 9. <input type="checkbox"/> 37 CFR 3.73(b) Statement <input type="checkbox"/> Power of Attny 10. <input type="checkbox"/> English Translation Document 11. <input type="checkbox"/> Information Disclosure Statement/PTO-1449 <input type="checkbox"/> Copies of IDS Citations 12. <input type="checkbox"/> Preliminary Amendment 13. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) (should be specifically itemized) 14. <input type="checkbox"/> Small Entity Statement(s) <input type="checkbox"/> Statement filed in prior application, status still proper and desired 15. <input type="checkbox"/> Certified copy of priority document(s) 16. <input type="checkbox"/> Other: | | |
| 17. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information: <input type="checkbox"/> Continuation <input type="checkbox"/> Divisional <input type="checkbox"/> Continuation-in-Part (CIP) of prior application No.: | | | | | |
| 18. CORRESPONDENCE ADDRESS <input type="checkbox"/> Customer Number or Bar Code Label or <input checked="" type="checkbox"/> Correspondence address below | | | | | |
| Name | A. Anders Brookes, Esq., Attorney for Applicants Human Genome Sciences, Inc. | | | | |
| Address | 9410 Key West Avenue | | | | |
| City | Rockville | State | MD | Zip Code | 20850 |
| Country | US | Telephone | 301-309-8504 | Fax | 301-309-8439 |
|  Signature | | Reg. No. 36,373 | | 1/06/99 | |
| | | | | Date | |

05/25/99 01/06/99



American Type Culture Collection

12301 Parklawn Drive • Rockville, MD 20852 USA • Telephone: 301-231-5519 or 231-5532 • FAX: 301-816-4366

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF
THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2



To: (Name and Address of Depositor or Attorney)

Human Genome Sciences, Inc.
Attn: Robert H. Benson
9410 Key West Avenue
Rockville, MD 20850

Deposited on Behalf of: Human Genome Sciences, Inc.

Identification Reference by Depositor:

ATCC Designation

DNA Plasmid HCEDD36 (Ref PF395)
DNA Plasmid (Ref PF392) HE9DG49;HASCA13;HMEAA94;
HL1AP03;HFKBC47;HSYBM46;HGKIG16
DNA Plasmid PS-048
DNA Plasmid PS-049

209192 ✓

209193 ✓

209194

209195

The deposits were accompanied by: ___ a scientific description ___ a proposed taxonomic description indicated above.

The deposits were received August 1, 1997 by this International Depository Authority and have been accepted.

AT YOUR REQUEST:

☒ We will inform you of requests for the strains for 30 years.

The strains will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strains, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strains.

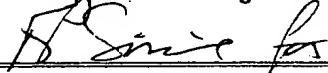
If the cultures should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with living cultures of the same.

The strains will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the cultures cited above was tested August 7, 1997. On that date, the cultures were viable.

International Depository Authority: American Type Culture Collection, Rockville, Md. 20852 USA

Signature of person having authority to represent ATCC:


Barbara M. Hailey, Administrator, Patent Depository

Date: August 7, 1997

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STATEMENT UNDER 37 C.F.R. 1.821 and 1.825

Assistant Commissioner
For Patents
Washington, D.C. 20231


Sir:

Applicants hereby certify under 37 C.F.R. §§1.821(f) and 1.825(b) that the hard copy of the sequence listing and the computer-readable form of such sequence listing submitted herewith, are identical.

Respectfully submitted,

Date: _____

1/06/99



A. Anders Brookes (Reg. No. 36,373)
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Fax (301)309-8439

Enclosure(s)
AAB/mbp

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have been fully addressed and respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, first paragraph.

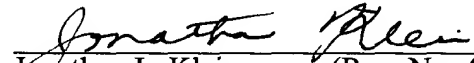
Conclusion

Applicants respectfully request that the remarks above be entered and made of record in the file history of the instant application. Applicants believe that all objections and rejections have been obviated or overcome and the claims are in condition for allowance.

If there are any fees due in connection with the filing of this paper, please charge such fees to Deposit Account No. 08-3425.

Respectfully submitted,

Dated: July 23, 2001


Jonathan L. Klein (Reg. No. 41,119)
Attorney/Agent for Applicants

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JLK/RL/lc